



2674
4
31 Reg for
Reconsid
6-25-04
NP

Attorney Docket No. 0756-2023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shunpei YAMAZAKI

Serial No. 09/385,020

Filed: August 30, 1999

For: ELECTRONIC DEVICE WITH
LIQUID CRYSTAL DISPLAY

) Group Art Unit: 2674

) Examiner: K. Nguyen

) CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

6.9.04

Adrian M. Stamps

RESPONSE

RECEIVED

JUN 21 2004

Technology Center 2600

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Official Action mailed January 9, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Two Month Extension of Time*, which extends the shortened statutory period for response to June 9, 2004. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 30, 1999, April 26, 2001, March 5, 2002, and April 12, 2002.

Claims 7-26 are pending in the present application, of which claims 7, 11, 15, 19 and 23 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 7, 9-14 and 19-26 as obvious based on the combination of U.S. Patent No. 5,896,119 to Evanicky et al. and JP 08-211361 to Maruyama. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. The independent claims recite a battery. Evanicky and Maruyama do not teach or suggest at least the above-referenced features of the present invention. The Official Action asserts that the power supply 537 of Evanicky is a battery (pages 2 and 6, Paper No. 25). The Applicant disagrees and traverses the above assertion.

A battery is not taught or suggested in Evanicky. The power supply 537 of Evanicky appears to be an alternating current (AC) type power supply. "Within the base assembly, as shown in FIG. 10, are a power supply unit 537 for coupling with an alternating current source 44" (column 12, lines 53-55). Further, it is not taught or suggested in Evanicky that the power supply 537 generates a direct current (DC) voltage. In contrast to Evanicky, the battery of the present invention can generate a DC

voltage. By applying the DC voltage to the 3-color light emitting diodes from the battery to emit lights from the 3-color light emitting diodes, the need for a DC-AC converter can be eliminated. Evanicky does not recognize at least this advantage of the present invention. Therefore, Evanicky does not teach or suggest replacing the AC power supply unit 537 with a battery.

Maruyama does not cure the deficiencies in Evanicky. The Official Action relies on Maruyama to allegedly teach a liquid crystal display device having three light emitting diode elements of red, green and blue (page 3, Paper No. 25). However, Evanicky and Maruyama, either alone or in combination, do not teach or suggest replacing the AC power supply unit 537 of Evanicky with a battery.

Since Evanicky and Maruyama do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Paragraph 4 of the Official Action rejects claims 15-17 as obvious based on the combination of Evanicky and U.S. Patent No. 5,334,993 to Okajima et al. Okajima does not cure the deficiencies in Evanicky. The Official Action relies on Okajima to allegedly teach an LCD having a backlight, and a light guide plate made of a flat plate-shaped acrylic resin (page 5, Paper No. 25). However, Evanicky and Okajima, either alone or in combination, do not teach or suggest replacing the AC power supply unit 537 of Evanicky with a battery. Since Evanicky and Okajima do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Paragraph 5 of the Official Action rejects claims 8 and 18 as obvious based on the combination of Evanicky, Maruyama and U.S. Patent No. 5,953,469 to Zhou. Since claim 18 depends from claim 15, it appears this rejection is also based on a combination with Okajima. Zhou does not cure the deficiencies in Evanicky, Maruyama and

Okajima. The Official Action relies on Zhou to allegedly teach a counter substrate having a plurality of inclined surfaces on a back of the counter substrate (page 5, Paper No. 25). However, Evanicky, Maruyama, Okajima and Zhou, either alone or in combination, do not teach or suggest replacing the AC power supply unit 537 of Evanicky with a battery. Since Evanicky, Maruyama, Okajima and Zhou do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,


Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789